

REMARKS

A. Examiner's Interview

The undersigned would wish to thank Examiner Schindler for taking the time to discuss the Office Action of November 2, 2006 during a telephonic interview held on February 1, 2007. During the interview, the undersigned discussed many of the amendments present in claim 5 and showed how there was support in the original specification for the proposed claim language. Examiner Schindler agreed with the undersigned's analysis.

B. 35 U.S.C. § 112, First Paragraph

In the Office Action of November 2, 2006, claims 2, 3, 5-24, 26-31 and 33-42 were rejected under 35 U.S.C. § 112, first paragraph, for failing the written description requirement by not being described in the specification so that one skilled in the art would understand that the inventors had possession of the claimed inventions at the time of filing of the application. In particular, claims 5, 11 and 14 were rejected because the phrase "wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports" is not supported by Applicants' original specification. Applicants traverse the rejection. The phrase in question regards the structure of the second base body prior to being put together with the first base body. When this is taken into account, there is support for the phrase in Applicants' original specification, such as shown in FIG. 2. Accordingly, the rejection is improper and should be withdrawn.

Despite the improperness of the rejection, claims 5, 11 and 14 have been amended to further clarify that the recited first and second base body structures are considered in isolation from each other. Furthermore, the offending phrases have been rearranged with the claims so as

to clarify that they regard the isolated structure of the first base body. Since the original specification supports the amended language and the objected to “wherein” phrase mentioned above, the rejection should be withdrawn.

Note that claims 5, 11 and 14 have been further amended so as to move the phrase “wherein said first set of magnetic elements are arranged within a first set of tracks, wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first set of non-magnetizable supports, and wherein said first set of tracks, viewed vertically with respect to said measuring direction, are arranged spaced apart from each other by a space” or like phrases to the portion of the claim regarding the first base body.

Note that the amendments mentioned above with respect to claims 5, 11 and 14 are solely being made to clarify the invention and do not change the intended meaning or scope of the claims and so the amendments are not related to patentability as defined *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

Claim 34 was rejected because the phrase “wherein each of said first set of tracks are bounded only by two parallel walls of adjacent ones of said first non-magnetizable supports” is not supported by Applicants’ original specification. In view of the cancellation of the offending phrase, the rejection should be withdrawn.

Claims 31, 35 and 36 were rejected because the phrases “a first set of magnetic elements that are arranged only laterally next to said first non-magnetizable support” and “a second set of magnetic elements that are arranged only laterally next to said second non-magnetizable support” are not supported by Applicants’ original specification. Applicants traverse the rejection. The

phrases in question regard the structures of the first and second base bodies prior to being put together. When this is taken into account, there is support for the phrase in Applicants' original specification, such as shown in FIG. 2. Accordingly, the rejection is improper and should be withdrawn.

Despite the impropriety of the rejection, claims 31, 35 and 36 have been amended to further clarify that the recited first and second base body structures are considered in isolation from one another. Since the original specification supports the amended language and the objected to phrases, the rejection should be withdrawn.

Note that the amendments mentioned above with respect to claims 31, 35 and 36 are being made to clarify the invention and do not change the intended meaning or scope of the claims and so the amendments are not related to patentability as defined in *Festo*.

It is noted that claims 31 and 33-42 have not been rejected based on the prior art. Since their rejections under Section 112, first paragraph, are either improper or overcome, the claims should be allowed.

C. 35 U.S.C. § 112, Second Paragraph

Claims 2, 3, 5-24 and 26-30 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. In particular, claims 5, 11 and 14 were rejected because the phrase "adjacent ones of the first non-magnetizable supports" was unclear in meaning in that only "a first non-magnetizable support" was previously recited. In view of the amendments made to claims 5, 11 and 14 wherein the phrase "a first non-magnetizable support" is replaced by "a first set of non-magnetizable supports" the rejection has been overcome and should be withdrawn.

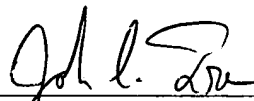
It is noted that claims 2, 3, 5-24 and 26-30 have not been rejected based on the prior art.

Since their rejections under Section 112, first and second paragraphs, are either improper or overcome, the claims should be allowed.

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 2, 3, 5-24, 26-31 and 33-42 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



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